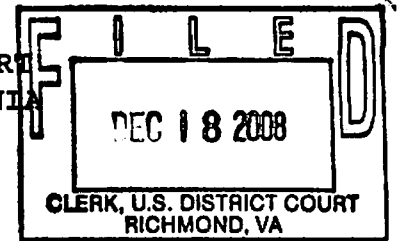


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



MAURICE HAWKINS,

Plaintiff,

v.

Civil Action No. 3:08CV747

GENE M. JOHNSON,

Defendant.

MEMORANDUM OPINION

Maurice Hawkins, a Virginia inmate, has submitted this 42 U.S.C. § 1983 action. He also has applied to proceed in forma pauperis. A prisoner is precluded from proceeding in forma pauperis:

[I]f the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Hawkins has had at least three prior actions and appeals dismissed as frivolous or for failing to state a claim. See Hawkins v. Hale, No. 7:05cv00217 (W.D. Va. Apr. 13, 2005); Hawkins v. Cantrell, No. 7:04cv00377 (W.D. Va. July 15, 2004); Hawkins v. Johnson, No. 7:04cv00360 (W.D. Va. July 12, 2004). Hawkins's complaint about receiving only two meals per day on the weekend does not demonstrate that he is in imminent danger of serious physical harm. Therefore, by Memorandum Order entered on November 26, 2008, the Court denied Hawkins's request to proceed in

forma pauperis and directed Hawkins to pay the \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the November 26, 2008 Memorandum Order and Hawkins has not paid the full filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion to Hawkins.

It is so ORDERED.

_____/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: December 16, 2008